

Appl. No. : 10/021,795  
Filed : December 11, 2001

### REMARKS

In response to the Office Action dated July 15, 2003, Applicant respectfully requests the Examiner to reconsider the above-captioned patent application in view of the foregoing amendments and the following comments. As a result of the amendments set forth above, Claims 1-27 remain pending, of which Claim 5 has been withdrawn from further consideration. Claims 1, 3, 6 and 8-9 have been amended, and new Claims 10-27 have been added.

In the Office Action dated July 15, 2003, the Examiner disposed of the claims as follows:

CLAIM(S)	DISPOSITION	GROUND(S)	PRIOR ART APPLIED
1-4, 6-8	REJECTED	102(b)	Turley (US 4,892,543)
		102(a)	Khalil (FR 2784575)
9	OBJECTED TO	n/a	n/a

#### Personal Interview

The undersigned Attorney for Applicant thanks Examiners William Matthews and Cheryl Miller for the courteous and helpful personal interview of November 18, 2003.

#### Claims 1-4, 6-8

Claims 1-4 and 6-8 (including independent Claims 1 and 6) stand rejected as anticipated by each of Turley and Khalil. As discussed at the interview, Claims 1 and 6 have been amended in a manner which is believed to moot the Examiner's rejections for anticipation. For example, Claim 1 now emphasizes that "said viewing elements are spaced further apart when in the accommodated state than when in the unaccommodated state." In contrast, Turley teaches first and second optical components 42, 44 which are spaced farther apart when in the unaccommodated state. See Turley at Figs. 2, 6; col. 2, ll. 27-32, 38-41; col. 3, ll. 19-23.

Khalil likewise fails to teach a lens of the type recited in amended Claim 1, as Khalil lacks any teaching of, for example, a retention member having a "free end ... anterior of at least a portion of at least one of said anterior translation members when said viewing elements are in said accommodated state." See Khalil at Figs. 1, 3-5. For at least these reasons, Claim 1 is believed to be allowable over the prior art of record.

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As also mentioned at the interview, neither Turley nor Khalil discloses or suggests a lens of the type recited in amended Claim 6. For example, Turley lacks any teaching of "anterior and posterior portions [which meet] at first and second apices of said intraocular lens, said apices being located on a transverse axis of said intraocular lens, said viewing elements being located on opposite sides of said transverse axis when in said accommodated state." Khalil fails to disclose or suggest, for example, a "retention member [which] functions independently of said anterior translation members." Accordingly, Applicant respectfully submits that amended Claim 6 is in condition for allowance over the prior art of record.

Applicant further submits that Claims 2-4 and 7-8 are also in condition for allowance, by virtue of their dependence from allowable base claims, as well as their recitation of further novel and non-obvious combinations of features.

#### Claim 9

The Examiner objected to Claim 9, but indicated that the claim would be allowable if rewritten in independent form. Applicant has so rewritten Claim 9 and therefore submits that Claim 9 is in condition for allowance.

#### New Claims

Submitted herein are new Claims 10-27, comprising a number of dependent claims as well as independent Claim 16. As discussed at the interview, new Claim 16 is believed to define over the prior art of record. The remaining new claims are also believed to be allowable over the prior art of record, due to their recitation of further novel and unobvious combinations of features, as well as their dependence from allowable base claims.

#### Conclusion

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, issuance of a Notice of Allowance is most earnestly solicited.

Applicant respectfully traverses each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art shows or teaches. Although amendments and deletions have been made, no acquiescence or estoppel is or should be implied thereby. Rather, the

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amendments and deletions are made only to expedite prosecution of the present application, and without prejudice to presentation or assertion, in the future, of claims on the subject matter affected thereby. Any arguments in support of patentability and based on a portion of a claim should not be taken as founding patentability solely on the portion in question; rather, it is the combination of features or acts recited in a claim which distinguishes it over the prior art.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney, Mark J. Kertz at (949) 721-6318 to resolve such issue(s) promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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